



#9  
m.m.  
7/2/03

CERTIFICATION OF DEPOSIT AS FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage affixed addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on June 12, 2003.

Name: Esther Lily C. Esguerra

Signature: *E. Esguerra*

Patent  
Attorney's Docket No. 005699-514

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|   |   |                               |
|---|---|-------------------------------|
| In re Patent Application of             | ) |                               |
|   | ) |                               |
| Kelleher et al.                         | ) | Group Art Unit: 1614          |
|   | ) |                               |
| Application No.: 10/074,595             | ) | Examiner: Spivack, Phyllis G. |
|   | ) |                               |
| Filed: February 11, 2002                | ) | Confirmation No.: 5929        |
|   | ) |                               |
| For: $\alpha$ -ARYL-N-ALKYLNITRONES AND | ) |                               |
| PHARMACEUTICAL COMPOSITIONS             | ) |                               |
| CONTAINING THE SAME                     | ) |                               |
|   | ) |                               |

RECEIVED  
JUN 20 2003  
TECH CENTER 1600/2900

**INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed.

**U.S. Patents:**

1. U.S. Patent No. 3,666,754, issued May 30, 1970, to Minami et al.
2. U.S. Patent No. 3,834,073, issued September 10, 1974, to Dorschner et al.
3. U.S. Patent No. 3,849,934, issued November 26, 1974, to Dorschner et al.
4. U.S. Patent No. 3,903,049, issued September 2, 1975, to Saltman et al.
5. U.S. Patent No. 3,917,700, issued November 4, 1975, to Auerbach.
6. U.S. Patent No. 4,362,719, issued December 7, 1982, to Cavazza.
7. U.S. Patent No. 5,292,746, issued March 8, 1994, to Carr et al.
8. U.S. Patent No. 5,352,442, issued October 4, 1994, to Proctor.

06/18/2003 EHAILE1 00000043 10074595

02 FC:1806

180.00 DP

(11/00)

9. U.S. Patent No. 5,397,789, issued March 14, 1995, to Carr et al.
10. U.S. Patent No. 5,455,272, issued October 3, 1995, to Janzen et al.
11. U.S. Patent No. 5,532,252, issued July 2, 1996, to Carr et al.
  
12. U.S. Patent No. 5,723,502, issued March 3, 1998, to Proctor.
13. U.S. Patent No. 6,046,232, issued April 4, 2000, to Kelleher et al.\

**Foreign Patents:**

14. GB 2137619 A, published October 10, 1984.
15. EP Patent Specification 0 327 263 B1, published September 7, 1994.
16. International Publication No. WO 95/17876, published July 6, 1995.
17. International Publication No. WO 97/19054, published May 29, 1997
18. International Publication No. WO 91/05552, published May 2, 1991.
19. International Publication No. WO 92/22290, published December 23, 1992.
20. International Publication No. WO 98/13332, published April 2, 1998 (and an English language translation).

**Non-Patent References:**

21. STN-INFORMATION SERVICE; FILE: REGISTRY, XP00209006080.
22. Beeson, et al., *Nonlinear Optics*, Vol. 4, pp. 181-190 (1993).
23. P. Proctor, *Physiol. Chem. & Physics*. (1974) 4, 349-360.
24. P. H. Proctor et al., *Physiological Chemistry and Physics and Medical NMR*. (1984) 16, 175-195.
25. P. Proctor, *CRC Handbook of Free Radicals and Antioxidants*. (1989) 1, 209-221.
26. CA:87:99910 abs of J Endocrinol by Vaughn et al. 73(3) pp. 40P(02)-41P.
27. CA:100:1338667 abs of Kliebig's Ann Chem 11 pp. 1937-1949.
28. CA:107:115572 abs of Huazue Xuebao by Chem 44 (9) pp. 927-933.
29. CA:109:149392 abs of Synthesis by Kloc 12 pp. 1084-1987

30. CA:111:58194 abs of Chem Express by Kotake 3(12) pp. 715-718
31. CA:116:193591 abs of J Org Chem by Hinton 57(9) pp. 2646-2651.
32. CA119:179060 abs of Clin Immunol Immunopathol by Dilvani 67 (3 Pt 1) pp. 199-203.
33. CA:122:31336 abs of WO 94/22831 10/1994.
  
34. CA:124:160227 abs of J. Chem. Soc. Perkin Trans, 1 by Sivasubramanian 23 pp. 3353-3354.
35. CA:124:200209 abs of Virology by Algright 217(7) pp. 211-219 (1996).
36. CA:127:80093 as of Nippon Naibumpi Gakkai Zasshi by Konno 73(3) pp. 451-461 (1997)
37. CA:130:291586 abs of AU695664 3/1996
38. CA:130:89983 abs of Ziekenuisfarmacie by De Jong van den Berg 14(4) pp. 190-193.
39. CA:130:280743 abs of Eur J Immunol by Scotet 29(3) pp. 973-985.
40. CA:130:217477 abs of Lupus by Dooley 7(9) pp. 630-634.
41. CA:131:85 abs of Drugs Aging by Durif 14(5) pp. 337-345.
42. Accession no. 1999:397013 abs of Graefe's Arch Clin Exp Opthamol 237(6) pp. 508-512.

A fee in the amount of \$180.00 (126) is enclosed in conformance with 37 C.F.R. § 1.97(c).

Copies of the listed documents were previously submitted in prior application no. 09/635,527 filed August 9, 2000 (now U.S. Patent No. 6,441,032 issued August 27, 2002), upon which Applicants rely for the benefits provided in 35 U.S.C. §120. In accordance with 37 C.F.R. § 1.98(d), copies of the listed documents are not included.

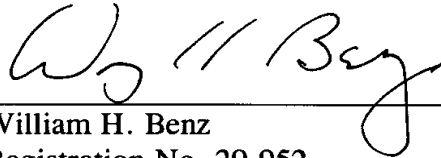
To assist the Examiner, the documents are listed on the attached form PTO-1449.  
It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

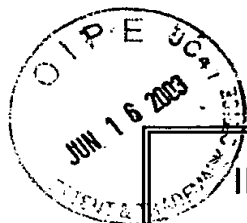
Date: 6/12/03

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: \_\_\_\_\_

  
William H. Benz  
Registration No. 29,952

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
Tel: (650) 622-2300

INFORMATION DISCLOSURE  
CITATION #9

PTO-1449

ATTORNEY'S DKT NO.  
005699-514APPLICATION NO.  
10/074,595APPLICANT  
Judith A. Kelleher, et al.FILING DATE  
February 11, 2002GROUP  
1614

## U.S. PATENT DOCUMENTS

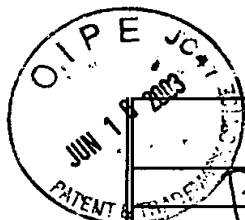
| EXAMINER'S INITIALS | PATENT NO. | DATE  | NAME             | CLASS | SUBCLASS | FILING DATE |
|---------------------|------------|-------|------------------|-------|----------|-------------|
| PS                  | 3,666,754  | 5/70  | Minami et al.    | 424   | 285      |             |
| PS                  | 3,834,073  | 9/74  | Dorschner et al. | 47    | 57.6     |             |
| PS                  | 3,849,934  | 11/74 | Dorschner et al. | 47    | 57.6     |             |
| PS                  | 3,903,049  | 9/75  | Saltman et al.   | 260   | 47       |             |
| PS                  | 3,917,700  | 11/75 | Auerbach         | 260   | 566R     |             |
|                     | 4,362,719  | 12/82 | Cavazza          |       |          |             |
| PS                  | 5,292,746  | 3/94  | Carr et al.      | 514   | 278      |             |
| PS                  | 5,352,442  | 10/94 | Proctor          | 424   | 70       |             |
| PS                  | 5,397,789  | 3/95  | Carr et al.      | 514   | 309      |             |
| PS                  | 5,455,272  | 10/95 | Janzen et al.    | 514   | 579      |             |
| PS                  | 5,532,252  | 7/96  | Carr et al.      | 514   | 309      |             |
| PS                  | 5,723,502  | 3/98  | Proctor          | 514   | 741      |             |
| PS                  | 6,046,232  | 4/00  | Kelleher         | 514   | 464      |             |
|                     |            |       |                  |       |          |             |

## FOREIGN PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO.   | DATE  | COUNTRY                       | CLASS | SUBCLASS | Translation |    |
|---------------------|--------------|-------|-------------------------------|-------|----------|-------------|----|
|                     |              |       |                               |       |          | Yes         | No |
| PS                  | 2137619A     | 10/84 | Great Britain                 |       |          |             |    |
| PS                  | 0 327 263 B1 | 9/94  | European Patent Specification |       |          |             |    |
| PS                  | WO91/05552   | 5/91  | PCT                           |       |          |             |    |
| PS                  | WO92/22290   | 12/92 | PCT                           |       |          |             |    |
| PS                  | WO95/17876   | 7/95  | PCT                           |       |          |             |    |
| PS                  | WO97/19054   | 5/97  | PCT                           |       |          |             |    |
| PS                  | WO98/13332   | 4/98  | PCT                           |       |          |             |    |
|                     |              |       |                               |       |          |             |    |
|                     |              |       |                               |       |          |             |    |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

|    |   |
|----|---|
| PS | Besson, et al., <i>Nonlinear Optics</i> (1993) 4, 181-190.          |
|    | <del>STN-INFORMATION SERVICE, FILE-REGISTRY, XP0020906080</del>     |
| PS | P. Proctor, <i>Physiol. Chem. &amp; Physics.</i> (1974) 4, 349-360. |



|                 |   |
|-----------------|---|
| PS              | P. H. Proctor, et al., <i>Physiological Chemistry and Physics and Medical NMR</i> . (1984) 16, 175-195. |
| PS              | P. Proctor, <i>CRC Handbook of Free Radicals and Antioxidants</i> . (1989) 1, 209-221.                  |
|                 | CA:87:99910 abs.of J.Endocrinol.by Vaughn 73(3) pp. 40P(02)-41P   |
| PS              | CA: 100:138667 abs.of Liebig's Ann. Chem. 11 pp 1937-49(1983).  |
| PS              | CA: 107:115572 abs.of Huaxue Xuebao by Chem 44 (9) pp 927-933(1986).                                    |
| PS              | CA: 109:149392 abs.of Synthesis by Kloc 12 pp 1084-1087(1987).  |
| PS              | CA: 111:58194 abs.of Chem. Express by Kotake 3(12) pp 715-718(1988).                                    |
| PS              | CA: 116:193591 abs.of J. Org. Chem. by Hinton 57(9) pp 2646-2651(1992).                                 |
| PS              | CA: 119:179060 abs.Clin. Immunol. Immunopathol. by Dilvani 67(3 Pt 1) pp 199-203(1993).                 |
|                 | CA:122:31336 abs of WO/94/22831 10/1994   |
| PS              | CA: 124:160227 abs.of J. Chem. Soc. Perkin Trans. 1 by Sivasubramanian 23 pp 3353-4(1994).              |
| PS              | CA: 124:200109 abs.of Virology by Algright 217(1) pp 211-219, 1996.                                     |
|                 | CA:127:80093 abs of Nippon Naibumpi Gakkai Zasshi by Konno 73(3) pp. 451-461 (1997)                     |
|                 | CA:130:291586 abs of AU695664 3/196.  |
| PS              | CA: 131:85 abs.of Drugs Aging by Durif 14(5) pp 337-345, 1999.  |
| PS              | CA: 130:217477 abs.of Lupus by Dooley 7(9) pp 630-634, 1998.  |
| PS              | CA: 130:280743 abs.of Eur. J. Immunol. by Scotet 29(3) pp 973-985(1999).                                |
| PS              | CA: 130:89983 abs.of Ziekenuisfarmacie by De Jong van den Berg 14(4) pp 190-193(1998).                  |
| PS              | Acession Number 1999-397013 abs of Graefe's Arch. Clin. Exp. Ophthalmol. 237(6) pp 508-512(1999).       |
| EXAMINER        |   |
| DATE CONSIDERED |   |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.